delivering to a viewer a mass medium program and computer information, with said computer

comprising one or more data storage locations, said method comprising the steps of:

storing a timing signal and viewer interest identification data specifying a plurality of

different viewer interests;

controlling said computer a first time based on a comparison of said timing signal or said

viewer interest identification data to other data, said first step of controlling comprising:

(1)   inputting into said computer further data designating a viewer

interest of said plurality of different viewer interests or a

time;

(2)   selecting a plurality of signals, each selected signal including data,

mass medium program information content, or a control

signal respecting [a different] said viewer interest; and

(3)   storing each selected signal at a storage location;

controlling said computer a second time based on said comparison, said second step of

controlling comprising:

(1)   selecting one or more computer programming instructions;

(2)   generating mass medium program information content in respect to

a second viewer interest of said plurality of different viewer

interests; and

(3)   preparing to communicate said generated mass medium program

information content upon instruction;

controlling said computer a third time based on said timing signal or said comparison,

said third step of controlling comprising:

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(1)   selecting [some] a portion of said mass medium program

        information content[:];

(2)   selecting a location; and

(3)   communicating said selected mass medium program information

        content to said selected location; and

presenting to a subscriber at a controlled time [a] said mass medium program with

[locally] said generated mass medium program information content, with said mass medium

program and said [locally] generated mass medium program information content being outputted

to said subscriber either as a combined or sequential presentation at an output device or as

parallel presentations at a plurality of output devices.

7.   (Amended) A method of generating and delivering an individualized mass medium

program presentation at a receiver station, said receiver station having a receiver for receiving a

mass medium program signal, a computer for generating and communicating information, and

one or more output devices operatively connected to said receiver and said computer for

delivering to a viewer a mass medium program and computer information, with said computer

comprising one or more data storage locations, said method comprising the steps of:

        storing a timing signal and a plurality of identification signals specifying different viewer

interests;

        controlling said computer a plurality of times, each time based on a comparison of said

timing signal or identification signals to other data, said first step of controlling comprising each

time:

        (1)   inputting further data designating a viewer interest of said different

                viewer interests or a time;

(2)   selecting a signal, each selected signal including data, information

content, or a control signal respecting a mass medium

program; and

(3)   storing each selected signal at a storage location[;]ᴀ

some of said selected stored signals designating said different viewer interests;

controlling said computer [one of more times] based on [a] said comparison [of said

timing signal or said identification signals to other data], said second step of controlling

comprising:

(1)   selecting one or more computer programming instructions;

(2)   generating mass medium program information content [in] with

respect to a second viewer interest; and

(3)   preparing to communicate said generated mass medium program

information content upon instruction;

controlling said computer [one or more times] based on [a] said timing signal or [a] said

comparison [of said timing signal or identification signals to other data;]ᴀ said third step of

controlling comprising:

(1)   selecting [some] a portion of said mass medium program

information content[:]ᴣ

(2)   selecting a location; and

(3)   communicating said selected mass medium program information

content to said selected location; and

presenting to a subscriber at a controlled time [a] said mass medium program with

[locally] said generated mass medium program information content, with said mass medium

program and said [locally] generated mass medium program information content being outputted

to said subscriber either as a combined or sequential presentation at an output device or as parallel presentations at a plurality of output devices.

8.   (Amended) A method of generating and delivering an individualized mass medium program presentation at a receiver station, said receiver station having a receiver for receiving a mass medium program signal, a computer for generating and communicating information, and one or more output devices operatively connected to said receiver and said computer for delivering to a viewer a mass medium program and computer information, with said computer comprising one or more data storage locations, said method comprising the steps of:

storing a timing signal and identification data, each identification datum specifying a plurality of different viewer interests;

controlling said computer a first time based on a comparison of said timing signal or identification data to other data, said first step of controlling comprising:

(1)   inputting to said computer data designating a viewer interest of said plurality of different viewer interests or a time;

(2)   selecting a first signal, each selected first signal including data, information content, or a control signal respecting a mass medium program presentation; and

(3)   storing each selected first signal at a storage location;

controlling said computer a second time based on said comparison, said second step of controlling comprising:

(1)   inputting data designating a second viewer interest of said plurality of different viewer interests or a time;

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(2)   selecting a second signal, each selected second signal including

information content or a control signal respecting a mass

medium program presentation; and

(3)   communicating each selected second signal to a processor and a

storage location;

controlling said computer a third time based on said comparison, said third step of

controlling comprising:

(1)   inputting data designating a third viewer interest or a time;

(2)   selecting a third signal, each selected third signal including mass

medium program information content and a control signal;

and

(3)   communicating each selected third signal to a processor and an

output device;

presenting to a subscriber [a] said mass medium program with [local] said mass medium

program information content, with said mass medium program and said [local] said mass

medium program information content being outputted to said subscriber either as a combined or

sequential presentation at an output device or as parallel presentations at a plurality of output

devices.

9.   (Amended) A method of generating and delivering an individualized mass medium

program presentation at a receiver station, said receiver station having a receiver for receiving a

mass medium program signal, a computer for generating and communicating information, and

one or more output devices operatively connected to said receiver and said computer for

delivering to a viewer a mass medium program and computer information, with said computer

comprising one or more data storage locations, said method comprising the steps of:

storing a timing signal and signal identification data designating a specific signal type;

controlling said computer a first time based on a comparison of said timing signal or said

signal identification data to other data, said first step of controlling comprising:

> (1)   selecting a first signal, each selected first signal including data,
>
> information content, or a control signal respecting a mass
>
> medium program presentation; and
>
> (2)   storing each selected first signal at a storage location;

controlling said computer a second time based on said comparison, said second step of

controlling comprising:

> (1)   selecting a second signal, each selected second signal including
>
> information content or a control signal respecting a mass
>
> medium program presentation; and
>
> (2)   communicating each selected second signal to a processor or an
>
> output device;

controlling said computer a third time based on said comparison[;], said third step of

controlling comprising:

> (1)   identifying a third signal, each identified third signal being a
>
> control signal designating a signal type; and
>
> (2)   communicating each identified third signal to a processor and an
>
> output device;

controlling said computer a fourth time based on said comparison[;], said fourth step of

controlling comprising:

(1)   selecting a first signal or [a] <u>said</u> timing signal; and

(2)   generating or communicating some mass medium program

information content in response to a control signal; and

presenting to a subscriber a mass medium program with [local] <u>said</u> mass medium

program information content, with said mass medium program and said [local] <u>mass medium</u>

<u>program</u> content information content being outputted to said subscriber either as a combined or

sequential presentation at an output device or as parallel presentations at a plurality of output

devices.

10.   A method of generating and delivering an individualized mass medium program

presentation at a receiver station, said receiver station having a receiver for receiving a mass

medium program signal, a computer for generating and communicating information, and one or

more output devices operatively connected to said receiver and said computer for delivering to a

viewer a mass medium program and computer information, with said computer comprising one

or more data storage locations, said method comprising the steps of:

storing a timing signal and a plurality of a first data, each first datum designating a

different type of signal;

controlling said computer one or more times based on a comparison, said first step of

controlling comprising:

(1)   selecting a first signal, each selected first signal including data,

information content, or a control signal respecting a mass

medium program presentation; and

(2)   storing each selected first signal at a storage location;

controlling said computer [one of more times] based on [a] <u>said</u> comparison, said second

step of controlling comprising:

    (1)   selecting a second signal, each selected second signal including

        information content or a control signal respecting a mass

        medium program presentation; and

    (2)   communicating each selected second signal to a processor or an

        output device;

controlling said computer [one or more times] based on [a] <u>said</u> comparison, said third

step of controlling comprising:

    (1)   identifying a third signal, each identified third signal being a

        control signal designating a signal type; and

    (2)   communicating each identified third signal to a processor or an

        output device;

controlling said computer [one or more times] based on [a] <u>said</u> comparison[;], said

fourth step of controlling comprising:

    (1)   selecting a first signal or a timing signal; and

    (2)   generating or communicating some mass medium program

        information content in response to a control signal; and

presenting to a subscriber a mass medium program with [local] <u>said</u> mass medium

program information content, with said mass medium program and said [local] <u>mass medium</u>

<u>program</u> information content being outputted to said subscriber either as a combined or

sequential presentation at an output device or as parallel presentations at a plurality of output

devices.

11.   A method of providing data of interest to a receiver station from a remote data source, said data of interest for use at the receiver station in generating or outputting a receiver specific datum, said method comprising the steps of:

storing data at said remote data source;

receiving at said remote data source a query from said receiver station;

transmitting said data from said remote data source to said receiver station in response to said step of receiving said query, said receiver station selecting and storing some of said transmitted data;

transmitting from a second remote source to said receiver station a signal which controls said receiver station to select and process an instruct signal which is effective at said receiver station to coordinate presentation of said data with a [second] separate predetermined presentation sequence.

12.   (Amended) A method of communicating subscriber station information from a subscriber station to one or more remote data collection stations, said method comprising the steps of:

[(1)]   inputting a viewer's or participant's reaction at a subscriber station;

[(2)]   receiving at said subscriber station information that designates an instruct signal to process or an output to deliver in consequence of subscriber input;

[(3)]   determining the presence of said subscriber input at said subscriber station by processing said viewer's or participant's reaction;

[(4)]   processing an instruct signal which is effective to coordinate presentation of data with a [second] separate predetermined presentation sequence at said subscriber station in consequence of said step of determining; and

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[(5)]   transferring from said subscriber station to one or more remote data collection stations an [indicia] indication confirming delivery of said instruct signal [from] based on said step of processing or confirming delivery [of said effect from said step of processing].

13.   (Amended) The method of claim 12, wherein said instruct signal is input by a subscriber, said method further comprising the steps of:

storing a subscriber instruction to receive one or more specific mass medium programs, data, news items, or computer control [instrutions] instructions; and

receiving one or more specific mass medium programs, data, news items, or computer control [instrutions] instructions in accordance with said instruction.

14.   (Amended) The method of claim 12, wherein said instruct signal is input by a subscriber, said method further comprising the steps of:

storing a subscriber instruction to process or present one or more mass medium programs, data, news items, or computer control [instrutions] instructions in a specific fashion; and

processing or presenting one or more specific mass medium programs, data, news items, or computer control [instrutions] instructions in accordance with said instruction.

15.   The method of claim 12, wherein said information that designates a specific subscriber input or said instruct signal is detected in an information transmission from a data or programming source, said method further comprising the steps of:

programming a processor to respond to information communicated from a data or programming source;

receiving an information transmission from a data or programming source;

inputting at least some of said information transmission to a control signal detector;

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detecting data or an instruct signal in said information transmission; and

passing said detected data or instruct signal to said processor.

16.   (Amended) A method of controlling a remote intermediate [data] transmitter

station to communicate data to one or more receiver stations, with said remote intermediate

transmitter station including a broadcast or cablecast transmitter [for transmitting data], a

plurality of selective [transmission] transfer devices each operatively connected to said broadcast

or cablecast transmitter [for communicating data], a data receiver, a control signal detector, and a

controller or computer capable of controlling one or more of said selective [transmission]

transfer devices, [and with] said remote intermediate transmitter station adapted to detect one or

more control signals, to control the communication of said data [in response to one or more

detected control signals], and to deliver said data [at its] to said broadcast or cablecast

transmitter, said method [of communicating] comprising the steps of:

(1)   receiving said data to be transmitted by the remote intermediate [data] transmitter

station and delivering said data to a data transmitter, said data comprising an instruct signal

which is effective at the receiver station to coordinate presentation of said data with a [second]

separate predetermined presentation sequence;

(2)   receiving said one or more control signals which at the remote intermediate [data]

transmitter station operate to control the communication of said data; and

(3)   transmitting said one or more control signals [to] from said data transmitter before

a specific time.

17.   (Amended) The method of claim 16, wherein said specific time is a scheduled

time of transmitting said data at said remote intermediate [data] transmitter station or said one or

more control signals are effective at the remote intermediate [data] transmitter station to control one or more of said plurality of selective transmission devices at different times.

18.   (Amended) The method of claim 16, further comprising the step of embedding a specific one of said one or more control signals in said data before transmitting said data to said remote intermediate transmitter station.

19.   (Amended) A method of controlling a receiver station including the steps of:

detecting the presence or absence of a broadcast or cablecast control signal;

inputting an instruct-to-react signal to a processor based on said step of detecting [the presence or absence of a control signal];

controlling said processor to output specific information in response to said step of inputting [an instruct-to-react signal]; and

coordinating presentation of data with a [second] separate predetermined presentation sequence based on [the basis of] information received from said processor based on said step of controlling [a processor].

20.   The method of claim 19, wherein a buffer is operatively connected to said processor for buffering input, said method further comprising the step of:

inputting said instruct-to-react signal directly to said processor.

21.   The method of claim 19, wherein said processor processes a datum designating a television channel or a television program, said method further having one step of the group consisting of:

controlling a tuner to tune a receiver to receive the television channel or television program designated by said processed datum;

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controlling a selective transmission device to input to a control signal detector at least

some portion of the television channel or television program designated by said processed datum;

controlling a control signal detector to search for one or more control signals in the

television channel or television program designated by said processed datum;

controlling a selective transmission to input to a computer control signals detected in the

television channel or television program designated by said processed datum;

controlling a computer to respond to control signals detected in the television channel or

television program designated by said processed datum;

controlling a television monitor to display video or audio contained in the television

channel or television program designated by said processed datum;

controlling a video recorder to record or play video or audio contained in the television

channel or television program designated by said processed datum; and

controlling a selective transmission device to communicate to a video recorder or a

television monitor the television channel or television program designated by said processed

datum.

22.   The method of claim 19, wherein said processor processes a datum designating

one or more specific channels of a multichannel cable or broadcast signal, said method further

having one step of the group consisting of:

controlling a tuner to tune a converter to receive the one or more specific channels

designated by said processed datum;

controlling a selective transmission device to input to a control signal detector at least

some portion of the one or more specific channels designated by said processed datum;

controlling a control signal detector to search for one or more control signals in the one or more specific channels designated by said processed datum;

controlling a selective transmission to input to a computer control signals detected in the one or more specific channels designated by said processed datum;

controlling a computer to respond to control signals detected in the one or more specific channels designated by said processed datum;

controlling a television monitor to display video or audio contained in the one or more specific channels designated by said processed datum;

controlling a video recorder to record or play video or audio contained in the one or more specific channels designated by said processed datum; and

controlling a selective transmission device to communicate to a storage device or an output device the one or more specific channels designated by said processed datum.

23.   (Amended) A method of controlling a receiver station, said receiver station having a processor for passing and executing instructions and a clock operatively connected to said processor for inputting a timing signal, said method comprising the steps of:

receiving a broadcast or cablecast transmission;

demodulating said broadcast or cablecast transmission to detect an information transmission therein[on], said information transmission comprising an instruct signal which is effective to coordinate presentation of said [data] with a [second] separate predetermined presentation sequence;

detecting said instruct signal [on] in said information transmission and passing said instruct signal to said processor;

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delaying, under processor control, [the] passing [of] said instruct signal to a controllable

apparatus;

passing said instruct signal to said controllable apparatus based on [the basis of] a timing

signal; and

controlling said controllable apparatus based on said instruct signal.

24.   The method of claim 23, further comprising the steps of:

detecting a timing signal in said information transmission;

passing said timing signal to said clock; and

timing, under control of said clock, the passing of said instruct signal based on said

timing signal.

25.   (Amended) A method of communicating data and update material to one or more

mass medium programming receiver stations each of which includes a broadcast or cablecast

data receiver, a data storage device, a control signal detector, a computer capable of processing

data, [and with each] said receiver stations adapted to detect and respond to one or more instruct

signals and to store data for subsequent processing, said method [of communicating] comprising

the steps of:

(1)   receiving said data to be transmitted and delivering the data to a transmitter;

(2)   receiving said one or more instruct signals which at the receiver station are

effective to coordinate presentation of said data with a [second] separate predetermined

presentation sequence;

(3)   transferring said one or more instruct signals to a transmitter; and

(4)   transmitting an information transmission comprising said data and said one or

more instruct signals.

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26.   (Amended) The method of claim 25, wherein some identification data or said one or more instruct signals are embedded in a television signal containing said data [unit].

27.   (Amended) The method of claim 25, wherein said step of transmitting directs said broadcast or cablecast transmission to a plurality of receiver stations at the same time and each of said plurality of receiver stations receives or responds to said one or more instruct signals concurrently.

28.   (Amended) The method of claim 25, wherein said step of transmitting directs said broadcast or cablecast transmission to a plurality of receiver stations at different times and each of said plurality of receiver stations responds to said one or more instruct signals at a different time.

29.   (Amended) The method of claim 25, further comprising the steps of receiving said data [unit] at a receiver in the transmitter station, communicating said data [unit] from said receiver to a memory location, and storing said [data] unit at said memory location for a period of time prior to communicating said [data] unit to a transmitter.

II.   REMARKS

A.   Introduction

The Office Action dated March 23, 1998 (Office Action) has been carefully reviewed and the foregoing amendments made in response thereto.

Claims 6-9, 13, 14, 16-19, 23, and 25 are amended. Claims 6-29 are pending in the application.

Claims 6-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 6-10 and 16-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 6-20 and 23-29 are rejected under 35 U.S.C. § 102 (e) as being anticipated by USP 4,484,218 to Boland et al., hereinafter Boland '218.

Claims 6-29 remain active in this application. No new matter is presented in the foregoing amendments. Approval and entry of same is respectfully requested.

B.   Response to Examiner's Comments

1.   Double Patenting

Regarding the rejection of the claims of the present application under *In re Schneller*, Applicant's note that in a phone conversation with the Examiner on August 12, 1998, the Examiner stated that the double patenting rejections would be withdrawn as they have been in the copending applications. The Examiner suggested that the Applicants set forth the appropriate argument to overcome the *Schneller* rejection. For that reason, Applicants have included the arguments below related to this matter.

Claims 6-29 are rejected under the judicially created doctrine of double patenting over the claims of copending U.S. application 08/113,329 and other listed U.S. applications. The rejection should rightfully be a provisional rejection until one or more of the copending applications issues, at which time the rejection can be made non-provisional.

Secondly, although the rejection is stated as a judicially created obviousness double patenting rejection, the examiner's arguments are those of a Schneller non-obviousness, non-statutory double patenting rejection. Applicants' reply brief addresses the merits of the Schneller-type rejection.

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2. Continuity

The examiner's comments on the claims is acknowledged and appreciated. With respect to the assertion, in paragraph 2, that no attempt to will be made to determine the effective filing date of this application, applicant claims priority under 35 U.S.C. § 120 of the following applications:

Serial No.	Filing Date	Patent No.
08/113,329	August 30, 1993	Pending
08/056,501	May 3, 1993	5,335,277
07/849,226	March 10, 1992	5,233,654
07/588,126	September 25, 1990	5,109,414
07/096,096	September 11, 1987	4,965,825
06/829,531	February 14, 1986	4,704,725
06/317,510	November 3, 1981	4,694,490

Applicants will address the art rejections of this Office Action, but traverse the assertion that any double patenting situation exists.

3. Patentable Demarcation

As to the paragraph numbered 3, applicants acknowledge their duty to maintain a line of patentable demarcation between related applications. Assuming, arguendo, that substantially duplicate claims exist, the applicants intend to make a good faith effort to alert the PTO of any instances in which the PTO treats such claims inconsistently.

4. Alternative Language

As to the paragraph numbered 4, applicants acknowledge and appreciate the examiner's concern over the use of alternative claim language. Applicants assert that they believe that the disclosure supports every possible embodiment or permutation that can be created using said language. During the prosecution of this application, applicants intend to ensure that the disclosure supports each possible embodiment claimed using alternative claims.

5. Provisional Double Patenting Rejection

In paragraph 10, the Office Action states that "determination of a possible non-statutory double patenting rejection obvious-type in each of the related 327 applications over each other

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will be deferred until a later time." Applicants submit that the examiner and the PTO cannot defer further rejections to a later time. Every ground of rejection should be made in examiner's first Office Action. 37 CFR § 1.104(a) states that "[o]n taking up an application for examination . . . the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect to both compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated." The MPEP states "[t]he examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before action is made." MPEP § 707.07, citing 37 CFR § 1.105. Finally, "[p]iecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available . . . ." "Where a major technical rejection is proper, it should be stated with full development of reasons rather than by mere conclusion coupled with some stereotyped expression." MPEP § 707.07(g). Applicants submit that the examiner has a duty to give each application a complete examination, to make rejections with specificity, and that not to defer rejections. For these reasons, applicants likewise traverse the rejection based on the "judicially created doctrine of double patenting over the claims of copending U.S. application 08/113,329 and the following [list of all applicants copending applications]." Applicants submit that this rejection, even if appropriately made with specificity, should be a provisional double patenting rejection. Applicants respectfully request that this rejection be withdrawn.

6. Summary of Interviews

Applicants acknowledge and appreciate the interviews provided by the PTO. Applicants also appreciate the detailed description of the interviews provided in the Office Action. The Office Action states that "the Group would like to have a complete grouping of applications in a manner that was submitted earlier for only a portion of the total filings." Applicants note that

based on the Office Actions received thus far, the PTO does not appear to be following the groupings applicants submitted previously. The order of examination of applicants' applications do not seem to have any correspondence to the groupings previously submitted. Applicants, therefore, will not supply further groupings. Applicants will, however, gladly supply further groupings if requested by the PTO for the purpose of following these groupings. Mr. Groody has confirmed in a telephone conversation between Mr. Groody and Mr. Scott that no more groupings need be sent.

In the interest of maintaining a clear record, applicants respectfully traverse the Office Action's interview summary statement that an offer was made to terminally disclaim the present application with the '81 or '87 patents. Rather, applicants respectfully submit that their offer was to disclaim a block of copending applications against one another, provided their issue date was in close enough proximity so as not to result in unnecessarily great losses in patent term duration.

7.   Response to Apparent Conflict of Claims

Applicants submit that the presentation of the Office Action fails to demonstrate any conflicts between claims of the present application and claims of the co-pending applications. Rather, the Office Action compares representative claims of *other* applications in attempt to establish that "conflicting claims exist between the 328 related co-pending applications." Absent any evidence of conflicting claims between the Applicants' present application and any other of Applicants' co-pending applications, any requirement imposed upon Applicants to resolve such alleged conflicts is improper.

8.   Filing of Supplemental Oath

Notwithstanding the foregoing, Applicants will file a supplemental oath under 37 C.F.R. § 1.67 for each application when Examiner identifies allowable subject matter. Applicants respectfully propose that the filing of individual supplemental oaths attesting to the absence of claim conflicts between previously patented claims and subsequently allowed claims is a more reasonable method of ensuring the patentable distinctness of subsequently allowed claims.

Under 37 C.F.R. § 1.105, § 1.106 & § 1.78 (b), Examiner has the duty to make every applicable rejection, including double patenting rejection. Failure to make every proper rejection denies Applicants all rights and benefits related thereto, e.g., Applicants' right to appeal, etc. Once obviousness-type double patenting analysis has been applied and conflicting claims have been determined to exist, only a *provisional* obviousness-type double patenting rejection is possible until claims from one application are allowed.

C.   Response to Rejections under 35 U.S.C. § 112

1.   Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 6-29 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Applicants have amended the pending claims in response to the objections and queries raised in the Office Action. Applicants believe that all pending claims clearly define the metes and bounds of the claimed subject matter, and are supported by an adequate written description that is fully enabling. Applicants respectfully submit that this rejection is traversed by the amendment which clarifies the claims in response to the specific objections in the Office Action. The Office Action states that the "Examiner is not certain that the meets [sic] and bounds of these claims can be determined because of the language in the disclosure and claims." Applicants traverse this rejection and submit they are under no duty to prospectively reference claim limitations to the specification where the Examiner has not specifically identified what is objected to as indefinite. MPEP § 2111 states that "[d]uring patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'" Also, it is only "when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language." MPEP § 2111.01. Applicants respectfully request that this blanket rejection for indefiniteness be withdrawn.

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Regarding the remainder of the rejections under 35 U.S.C. § 112, second paragraph,

Applicants have amended the claims in response to the rejections.

2.   Conclusion

Applicants respectfully submit that claims 6-29 of the subject application particularly

point out and claim the subject matter sufficiently for one of ordinary skill in the art to

comprehend the bounds of the claimed invention. The test for definiteness of a claim is whether

one skilled in the art would understand the bounds of the patent claim when read in light of the

specification, and if the claims so read reasonably apprise those skilled in the art of the scope of

the invention, no more is required. *Credle v. Bond*, 25 F.3d 1556, 30 USPQ2d 1911 (Fed. Cir.

1994). The legal standard for definiteness is whether a claim reasonably apprises those of skill in

the art of its scope. *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994).

Applicants have amended the claims to enhance clarity and respectfully submit that all pending

claims are fully enabled by the specification and distinctly indicate the metes and bounds of the

claimed subject matter.

Applicants believe that the above recited changes are sufficient to overcome the

rejections under 35 U.S.C. 112, first and second paragraph, and respectfully request withdrawal

of these rejections. Applicants provide these specific embodiments in support of the pending

claims by way of example only. The claims must be read as broadly as is reasonable in light of

the specification, and Applicants in no way intend that their submission of excerpts/examples be

construed to unnecessarily restrict the scope of the claimed subject matter.

D.   Response to Rejection of Claims for Absence of Novelty

1.   35 U.S.C. § 102 (e) Rejection over Boland '218

Claims 6-20 and 23-29 are rejected under 35 U.S.C. § 102 (e) as being anticipated by

Boland '218.

a. Independent Claim 6

With respect to Applicants' claim 6, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of <u>storing a timing signal and viewer interest identification data specifying a plurality of different viewer interests</u>. Although, Boland '218 suggest storing a signal indicating a request for service (Applicants' viewer identification data as indicated by the Examiner), there is no suggest of storing both a timing signal and viewer identification data. For example, the office action equates Applicants' claimed timing signal to a time slot in Boland '218. Applicants submit that although the output data to each subscriber is enabled during this time slot, there is no suggestion of a timing signal or storing a timing signal. Therefore, Boland '218 is silent as to storing both a timing signal and viewer identification data.

Further, Boland '218 is silent as to <u>controlling said computer a first time based on a comparison of said timing signal or said viewer interest identification data to other data</u>. Although, Boland '218 teaches comparing a subscriber request with a look-up table to determine whether the subscriber drop can be given the requested service, Boland '218 fails to suggest or describe the following steps a claimed by Applicants. For example, Boland '218 is silent as to, said first step of controlling comprising: (1) <u>inputting into said computer further data designating a viewer interest of said plurality of different viewer interests or a time</u>; (2) <u>selecting a plurality of signals, each selected signal including data, mass medium program information content, or a control signal respecting [a different] said viewer interest</u>; and (3) <u>storing each selected signal at a storage location</u>. Instead, Boland '218 teaches comparing the request with a look-up table. If the class of service is extended to the subscriber and if it is a converter service required, data is transmitted to the distribution terminal to operate the converter to feed the requested channel to the subscriber drop, where it is received by the television receiver 13 in the subscriber's home ,as

taught by Boland '218. There is no suggestion of comparing, inputting further data, selecting a plurality of signals, and storing each selected signal, as claimed by Applicants.

Further, Boland '218 is silent as to controlling said computer a second time based on said comparison. Boland '218 only teaches comparing the request with the look-up table in order to transmit data to operate a converter to feed the requested channel to the subscriber. There is no suggestion of any second comparison or any second step of controlling comprising: (1) selecting one or more computer programming instructions; (2) generating mass medium program information content in respect to a second viewer interest of said plurality of different viewer interests; and (3) preparing to communicate said generated mass medium program information content upon instruction. Boland '218 simply performs the comparison in order to transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of controlling a computer a second time based on the same comparison and including each step as claimed by Applicants.

Further, Boland '218 is silent as to controlling said computer a third time based on said timing signal or said comparison. As stated above, Boland '218 is silent as to any timing signal. Further, there is no suggestion of controlling a computer a third time based on the same comparison. Therefore, Boland '218 is completely silent as to said third step of controlling comprising: (1) selecting a portion of said mass medium program information content; (2) selecting a location; and (3) communicating said selected mass medium program information content to said selected location. Boland '218 simply performs the one comparison for each subscriber selection in order to transmit data to operate a converter to feed the selected channel to the subscriber. There is no suggestion of controlling a computer a third time based on the same comparison including selecting mass medium program content, selecting a location, and communicating the content. Although, Boland '218 does communicate the subscriber selected

service or channel to the subscriber terminal, there is no suggestion of performing one

comparison and controlling a computer three separate times in order to communicate such.

Further Boland '218 is silent as to <u>presenting to a subscriber at a controlled time said mass</u>

<u>medium program with said generated mass medium program information content, with said mass</u>

<u>medium program and said generated mass medium program information content being outputted</u>

<u>to said subscriber either as a combined or sequential presentation at an output device or as</u>

<u>parallel presentations at a plurality of output devices</u>. As stated, Boland '218 is silent as to

controlling a computer three times based on the same comparison. Therefore, Boland '218 is

silent as to presenting any program information to the subscriber, since the controlling steps have

not been anticipated. Further, Boland '218 is silent as to outputting to the subscriber either as a

combined or sequential presentation or as parallel presentations. Boland '218 simply feeds the

selected channel to the subscriber. Boland '218 fails to anticipate Applicants' claimed invention.

Applicants respectfully submit that the cited art does not anticipate claim 6 since the

reference fails to disclose every element of the claimed invention, and Applicants respectfully

request that the 35 U.S.C. § 102 (e) rejection of claim 6 be withdrawn.

b.   Independent Claim 7
With respect to Applicants' claim 7, Boland '218 fails to teach, *inter alia,* the Applicants'

claim limitation of <u>storing a timing signal and a plurality of identification signals specifying</u>

<u>different viewer interests</u>. Although, Boland '218 suggest storing a signal indicating a request for

service (Applicants' viewer identification data as indicated by the Examiner), there is no suggest

of storing both a timing signal and the viewer identification data. For example, the office action

equates Applicants' claimed timing signal to a time slot in Boland '218. Applicants submit that

although the output data to each subscriber is enabled during this time slot, there is no suggestion

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of a timing signal or storing the timing signal. Therefore, Boland '218 is silent as to storing both a timing signal and viewer identification data.

Further, Boland '218 fails to suggest or describe controlling said computer a plurality of times, each time based on a comparison of said timing signal or identification signals to other data. Although, Boland '218 teaches comparing a subscriber request with a look-up table to determine whether the subscriber drop can be given the requested service, Boland '218 fails to suggest or describe controlling a computer a plurality of times based on the same comparison and the following steps a claimed by Applicants. For example, Boland '218 is silent as to, said first step of controlling comprising each time: (1)   inputting further data designating a viewer interest of said different viewer interests or a time; (2) selecting a signal, each selected signal including data, information content, or a control signal respecting a mass medium program; and (3) storing each selected signal at a storage location. Instead, Boland '218 teaches comparing the request with a look-up table. If the class of service is extended to the subscriber and if it is a converter service required, data is transmitted to the distribution terminal to operate the converter to feed the requested channel to the subscriber drop, where it is received by the television receiver 13 in the subscriber's home ,as taught by Boland '218. There is no suggestion of comparing, inputting further data, selecting a plurality of signals, and storing each selected signal, as claimed by Applicants. Further, Boland '218 is silent as to some of said selected stored signals designating said different viewer interests.

Further, Boland '218 is silent as to controlling said computer based on said comparison, said second step of controlling comprising: (1) selecting one or more computer programming instructions; (2) generating mass medium program information content with respect to a second viewer interest; and (3) preparing to communicate said generated mass medium program information content upon instruction. Boland '218 simply performs the comparison in order to

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transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of controlling a computer a second time based on the same comparison and including each step as claimed by Applicants

Further, Boland '218 fails to suggest or describe controlling said computer based on said timing signal or said comparison. As stated above, Boland '218 is silent as to any timing signal. Further, there is no suggestion of controlling a computer a third time based on the same comparison. Therefore, Boland '218 is completely silent as to said third step of controlling comprising: (1) selecting a portion of said mass medium program information content; (2) selecting a location; and (3) communicating said selected mass medium program information content to said selected location. Boland '218 simply performs the one comparison for each subscriber selection in order to transmit data to operate a converter to feed the selected channel to the subscriber. There is no suggestion of controlling a computer a third time based on the same comparison including selecting mass medium program content, selecting a location, and communicating the content. Although, Boland '218 does communicate the subscriber selected service or channel to the subscriber terminal, there is no suggestion of performing one comparison and controlling a computer three separate times in order to communicate such.

Further Boland '218 is silent as to presenting to a subscriber at a controlled time said mass medium program with said generated mass medium program information content, with said mass medium program and said generated mass medium program information content being outputted to said subscriber either as a combined or sequential presentation at an output device or as parallel presentations at a plurality of output devices. As stated, Boland '218 is silent as to controlling a computer three times based on the same comparison. Therefore, Boland '218 is silent as to presenting any program information to the subscriber, since the controlling steps have not been anticipated. Further, Boland '218 is silent as to outputting to the subscriber either as a

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combined or sequential presentation or as parallel presentations. Boland '218 simply feeds the

selected channel to the subscriber. Boland '218 fails to anticipate Applicants' claimed invention.

Applicants respectfully submit that the cited art does not anticipate claim 7 since the

reference fails to disclose every element of the claimed invention, and Applicants respectfully

request that the 35 U.S.C. § 102 (e) rejection of claim 7 be withdrawn.

c.   Independent Claim 8

With respect to Applicants' claim 8, Boland '218 fails to teach, *inter alia,* the Applicants'

claim limitation of <u>storing a timing signal and identification data, each identification datum</u>

<u>specifying a plurality of different viewer interests</u>. Although, Boland '218 suggest storing a signal

indicating a request for service (Applicants' viewer identification data as indicated by the

Examiner), there is no suggest of storing both a timing signal and the viewer identification data.

For example, the office action equates Applicants' claimed timing signal to a time slot in Boland

'218. Applicants submit that although the output data to each subscriber is enabled during this

time slot, there is no suggestion of a timing signal or storing the timing signal. Therefore,

Boland '218 is silent as to storing both a timing signal and viewer identification data.

Further, Boland '218 fails to suggest or describe <u>controlling said computer a first time</u>

<u>based on a comparison of said timing signal or identification data to other data</u>. Although,

Boland '218 teaches comparing a subscriber request with a look-up table to determine whether

the subscriber drop can be given the requested service, Boland '218 fails to suggest or describe

controlling a computer a plurality of times based on the same comparison and the following steps

a claimed by Applicants. For example, Boland '218 is silent as to, <u>said first step of controlling</u>

<u>comprising</u>: (1) <u>inputting to said computer data designating a viewer interest of said plurality of</u>

<u>different viewer interests or a time</u>; (2) <u>selecting a first signal, each selected first signal including</u>

<u>data, information content, or a control signal respecting a mass medium program presentation</u>;

and (3) <u>storing each selected first signal at a storage location</u>. Instead, Boland '218 teaches comparing the request with a look-up table. If the class of service is extended to the subscriber and if it is a converter service required, data is transmitted to the distribution terminal to operate the converter to feed the requested channel to the subscriber drop, where it is received by the television receiver 13 in the subscriber's home ,as taught by Boland '218. There is no suggestion of comparing, inputting data, selecting a first of signal, and storing the first signal, as claimed by Applicants.

Further, Boland '218 is silent as to <u>controlling said computer a second time based on said comparison, said second step of controlling comprising</u>: (1) <u>inputting data designating a second viewer interest of said plurality of different viewer interests or a time</u>; (2) <u>selecting a second signal, each selected second signal including information content or a control signal respecting a mass medium program presentation</u>; and (3) <u>communicating each selected second signal to a processor and a storage location;</u>. Boland '218 simply performs the comparison in order to transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of controlling a computer a second time based on the same comparison and including each step as claimed by Applicants

Further, Boland '218 fails to suggest or describe <u>controlling said computer a third time based said comparison</u>, <u>said third step of controlling comprising</u>: (1) <u>inputting data designating a third viewer interest or a time</u>; (2) <u>selecting a third signal, each selected third signal including mass medium program information content and a control signal</u>; and (3) <u>communicating each selected third signal to a processor and an output device</u>. Boland '218 simply performs one comparison for each subscriber selection in order to transmit data to operate a converter to feed the selected channel to the subscriber. There is no suggestion of controlling a computer a third time based on the same comparison including inputting data, selecting a third signal, and

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communicated the third signal. Although, Boland '218 does communicate the subscriber selected service or channel to the subscriber terminal, there is no suggestion of performing one comparison and controlling a computer three separate times in order to communicate such.

Further Boland '218 is silent as to presenting to a subscriber said mass medium program with said mass medium program information content, with said mass medium program and said mass medium program information content being outputted to said subscriber either as a combined or sequential presentation at an output device or as parallel presentations at a plurality of output devices. As stated, Boland '218 is silent as to controlling a computer three times based on the same comparison. Therefore, Boland '218 is silent as to presenting any program information to the subscriber, since the controlling steps have not been anticipated. Further, Boland '218 is silent as to outputting to the subscriber either as a combined or sequential presentation or as parallel presentations. Boland '218 simply feeds the selected channel to the subscriber. Boland '218 fails to anticipate Applicants' claimed invention.

Applicants respectfully submit that the cited art does not anticipate claim 8 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 8 be withdrawn.

d.   Independent Claim 9

With respect to Applicants' claim 9, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of storing a timing signal and signal identification data designating a specific signal type. Although, Boland '218 suggest storing a signal indicating a request for service (Applicants' signal identification data as indicated by the Examiner), there is no suggest of storing both a timing signal and the signal identification data. For example, the office action equates Applicants' claimed timing signal to a time slot in Boland '218. Applicants submit that although the output data to each subscriber is enabled during this time slot, there is no suggestion

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of a timing signal or storing the timing signal. Therefore, Boland '218 is silent as to storing both

a timing signal and viewer identification data.

Further, Boland '218 fails to suggest or describe <u>controlling said computer a first time</u>

<u>based on a comparison of said timing signal or said signal identification data to other data</u>.

Although, Boland '218 teaches comparing a subscriber request with a look-up table to determine

whether the subscriber drop can be given the requested service, Boland '218 fails to suggest or

describe controlling a computer a plurality of times based on the same comparison and the

following steps a claimed by Applicants. For example, Boland '218 is silent as to, <u>said first step</u>

<u>of controlling comprising</u>: (1) <u>selecting a first signal, each selected first signal including data,</u>

<u>information content, or a control signal respecting a mass medium program presentation</u>; and (2)

<u>storing each selected first signal at a storage location</u>. Instead, Boland '218 teaches comparing

the request with a look-up table. If the class of service is extended to the subscriber and if it is a

converter service required, data is transmitted to the distribution terminal to operate the converter

to feed the requested channel to the subscriber drop, where it is received by the television

receiver 13 in the subscriber's home ,as taught by Boland '218. There is no suggestion of

comparing, selecting a first of signal, and storing the first signal, as claimed by Applicants.

Further, Boland '218 is silent as to <u>controlling said computer a second time based on said</u>

<u>comparison, said second step of controlling comprising</u>: (1) <u>selecting a second signal, each</u>

<u>selected second signal including information content or a control signal respecting a mass</u>

<u>medium program presentation</u>; and (3) <u>communicating each selected second signal to a</u>

<u>processor and an output device</u>. Boland '218 simply performs the comparison in order to

transmit data to operate a converter to feed the selected channel to the subscriber terminal. There

is no suggestion of controlling a computer a second time based on the same comparison and

including each step as claimed by Applicants.

Further, Boland '218 fails to suggest or describe <u>controlling said computer a third time</u> <u>based said comparison</u>, <u>said third step of controlling comprising</u>: (1) <u>identifying a third signal,</u> <u>each identified third signal being a control signal designating a signal type</u>; and (2) <u>communicating each identified third signal to a processor and an output device</u>. Boland '218 simply performs one comparison for each subscriber selection in order to transmit data to operate a converter to feed the selected channel to the subscriber. There is no suggestion of controlling a computer a third time based on the same comparison including identifying a third signal and communicating such. Although, Boland '218 does communicate the subscriber selected service or channel to the subscriber terminal, there is no suggestion of performing one comparison and controlling a computer three separate times in order to communicate such.

Further, Boland '218 is silent as to <u>controlling said computer a fourth time based on said</u> <u>comparison, said fourth step of controlling comprising</u>: (1) <u>selecting a first signal or said timing</u> <u>signal</u>; and (2) <u>generating or communicating some mass medium program information content in</u> <u>response to a control signal.</u> Boland '218 simply performs the comparison in order to transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of controlling a computer a fourth time based on the same comparison and including each step as claimed by Applicants.

Further Boland '218 is silent as to <u>presenting to a subscriber a mass medium program</u> <u>with said mass medium program information content, with said mass medium program and said</u> <u>information content being outputted to said subscriber either as a combined or sequential</u> <u>presentation at an output device or as parallel presentations at a plurality of output devices</u>. As stated, Boland '218 is silent as to controlling a computer four times based on the same comparison. Therefore, Boland '218 is silent as to presenting any program information to the subscriber, since the controlling steps have not been anticipated. Further, Boland '218 is silent as

to outputting to the subscriber either as a combined or sequential presentation or as parallel presentations. Boland '218 simply feeds the selected channel to the subscriber. Boland '218 fails to anticipate Applicants' claimed invention.

Applicants respectfully submit that the cited art does not anticipate claim 9 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 9 be withdrawn.

e. Independent Claim 10

With respect to Applicants' claim 10, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of <u>storing a timing signal and a plurality of a first data, each first datum designating a different type of signal</u>. Although, Boland '218 suggest storing a signal indicating a request for service (Applicants' viewer identification data as indicated by the Examiner), there is no suggest of storing both a timing signal and the viewer identification data. For example, the office action equates Applicants' claimed timing signal to a time slot in Boland '218. Applicants submit that although the output data to each subscriber is enabled during this time slot, there is no suggestion of a timing signal or storing the timing signal. Therefore, Boland '218 is silent as to storing both a timing signal and viewer identification data.

Boland '218 fails to suggest or describe <u>controlling said computer one or more times based on a comparison</u>. Although, Boland '218 teaches comparing a subscriber request with a look-up table to determine whether the subscriber drop can be given the requested service, Boland '218 fails to suggest or describe controlling a computer a one or more times based on the same comparison and the following steps a claimed by Applicants. For example, Boland '218 is silent as to <u>said first step of controlling comprising</u>: (1) <u>selecting a first signal, each selected first signal including data, information content, or a control signal respecting a mass medium program presentation</u>; and (2) <u>storing each selected first signal at a storage location</u>.

Further, Boland '218 is silent as to <u>controlling said computer based on said comparison,</u> <u>said second step of controlling comprising</u>: (1) <u>selecting a second signal, each selected second</u> <u>signal including information content or a control signal respecting a mass medium program</u> <u>presentation</u>; and (2) <u>communicating each selected second signal to a processor or an output</u> <u>device</u>. Boland '218 simply performs the comparison in order to transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of controlling a computer a second time based on the same comparison and including each step as claimed by Applicants.

Further, Boland '218 fails to suggest or describe <u>controlling said computer based on said</u> <u>comparison, said third step of controlling comprising</u>: (1) <u>identifying a third signal, each</u> <u>identified third signal being a control signal designating a signal type</u>; and (2) <u>communicating</u> <u>each identified third signal to a processor or an output device</u>. Boland '218 simply performs one comparison for each subscriber selection in order to transmit data to operate a converter to feed the selected channel to the subscriber. There is no suggestion of controlling a computer a third time based on the same comparison including identifying a third signal and communicating such. Although, Boland '218 does communicate the subscriber selected service or channel to the subscriber terminal, there is no suggestion of performing one comparison and controlling a computer three separate times in order to communicate such.

Boland '218 is also silent as to <u>controlling said computer based on said comparison; said</u> <u>fourth step of controlling comprising</u>: (1) <u>selecting a first signal or a timing signal</u>; and (2) <u>generating or communicating some mass medium program information content in response to a</u> <u>control signal</u>. Boland '218 simply performs the comparison in order to transmit data to operate a converter to feed the selected channel to the subscriber terminal. There is no suggestion of

controlling a computer a fourth time based on the same comparison and including each step as

claimed by Applicants.

Further Boland '218 is silent as to <u>presenting to a subscriber a mass medium program</u>

<u>with said mass medium program information content, with said mass medium program and said</u>

<u>mass medium program information content being outputted to said subscriber either as a</u>

<u>combined or sequential presentation at an output device or as parallel presentations at a plurality</u>

<u>of output devices.</u> As stated, Boland '218 is silent as to controlling a computer four times based

on the same comparison. Therefore, Boland '218 is silent as to presenting any program

information to the subscriber, since the controlling steps have not been anticipated. Further,

Boland '218 is silent as to outputting to the subscriber either as a combined or sequential

presentation or as parallel presentations. Boland '218 simply feeds the selected channel to the

subscriber. Boland '218 fails to anticipate Applicants' claimed invention

Applicants respectfully submit that the cited art does not anticipate claim 10 since the

reference fails to disclose every element of the claimed invention, and Applicants respectfully

request that the 35 U.S.C. § 102 (e) rejection of claim 10 be withdrawn.

f.   Independent Claim 11

With respect to Applicants' claim 11, Boland '218 fails to teach, *inter alia,* the

Applicants' claim limitation of <u>said receiver station selecting and storing some of said</u>

<u>transmitted data.</u> Instead, Boland '218 teaches that a converter feeds the channel to the receiver

in the subscriber home, the receiver is tuned to channel 2 or 3 at which the output of the

converter is fed. There is no teaching in Boland '218 of storing any data at the receiver station.

Further, Boland '218 fails to suggest or describe <u>transmitting from a second remote source</u>

<u>to said receiver station a signal which controls said receiver station to select and process an</u>

<u>instruct signal which is effective at said receiver station to coordinate presentation of said data</u>

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with a separate predetermined presentation sequence. Boland '218 is silent as to any second

remote source that transmits a signal to the receiver station. Further, there is no suggestion of

any instruct signal which is effective at said receiver station to coordinate presentation of said

data with a second predetermined presentation sequence. Boland '218 simply teaches feeding the

selected channel to the television receiver in the subscriber's home. Boland '218 fails to

anticipate Applicants claimed invention.

Applicants respectfully submit that the cited art does not anticipate claim 11 since the

reference fails to disclose every element of the claimed invention, and Applicants respectfully

request that the 35 U.S.C. § 102 (e) rejection of claim 11 be withdrawn.

g.   Independent Claim 12

With respect to Applicants' claim 12, Boland '218 fails to teach, *inter alia,* the

Applicants' claim limitation of receiving at said subscriber station information that designates an

instruct signal to process or an output to deliver in consequence of subscriber input. The

subscriber station of Boland '218 receives the access code and channel selection from the

subscriber and the later transmitted selected channel. There is no suggestion in Boland '218 of

receiving information that designates an instruct signal to process or an output to deliver in

consequence of subscriber input. Boland '218 is completely silent as to any instruct signal and

the subscriber station has no output to deliver. Instead, the subscriber enters the access code and

channel selection code and then the distributor terminal scans the subscriber drop and stores a

signal indicating a request or service. Boland '218 fails to anticipate both the instruct signal and

the output to deliver.

Boland '218 fails to suggest or describe processing an instruct signal which is effective to

coordinate presentation of data with a separate predetermined presentation sequence at said

subscriber station in consequence of said step of determining. As stated, Boland '218 is silent as

to any instruct signal, especially an instruct signal which is effective to coordinate presentation of

data with a separate predetermined presentation sequence at said subscriber station. In fact,

Boland '218 simply teaches storing a signal indicating the subscriber request for service.

Comparing the stored signal with a look-up table, as taught by Boland '218 and transmitting data

to operate a converter to feed the channel to the subscriber terminal. There is no suggestion

whatsoever of an instruct signal that functions to coordinate the presentation of data with a

separate predetermined presentation sequence at said subscriber station

Further, Boland '218 is silent as to transferring from said subscriber station to one or more

remote data collection stations an indication confirming delivery of said instruct signal from said

step of processing. Although, Boland '218 teaches sending data to a head end station indicating

the particular channel that has been selected, there no suggestion of transferring indicia

confirming delivery of an instruct signal that functions as Applicants' claim.

Applicants respectfully submit that the cited art does not anticipate claim 12 since the

reference fails to disclose every element of the claimed invention, and Applicants respectfully

request that the 35 U.S.C. § 102 (e) rejection of claim 12 be withdrawn.

h.   Independent Claim 16
With respect to Applicants' claim 16, Boland '218 fails to teach, *inter alia,* the

Applicants' claim limitation of data comprising an instruct signal which is effective at the

receiver station to coordinate presentation of said data with a separate predetermined presentation

sequence. The office action equates col. 7 lines 10-30 as teaching Applicants' claimed instruct

signal. Applicants disagree and submit that col. 7 lines 10-30 is directed to the control section of

the head end terminal. The microprocessor 23 sans the subscriber drops and upon receiving a

request for a service, a signal is sent to digitally cause channel selection. There is no teaching of

a signal that can coordinate presentation of said data with a separate predetermined presentation

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sequence. In face, once the channel is selected, the converter simply feeds the channel to the television receiver.

Further, Boland '218 fails to suggest or describe <u>receiving said one or more control signals which at the remote intermediate transmitter station operate to control the communication of said data</u>. Although, data is sent to the converter to operate the converter to feed the selected channel to the television receiver. There is no suggestion of any control signal that controls transmitting or communicating of data. Further, although data is sent to the head end to indicate the selected channel, again, there is no control signal responsible for sending the data.

Boland '218 is silent as to <u>transmitting said one or more control signals from said data transmitter before a specific time</u>. As stated, Boland '218 is silent as to any signal that functions as Applicants' claimed control signals. Therefore, Boland '218 fails to teach transmitting such before a specific time.

Applicants respectfully submit that the cited art does not anticipate claim 16 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 16 be withdrawn.

i.   Independent Claim 19

With respect to Applicants' claim 19, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of <u>inputting an instruct-to-react signal to a processor based on said step of detecting the presence or absence of a broadcast or cablecast control signal</u> and <u>controlling said processor to output specific information in response to said step of inputting</u>. Although, Boland '218 teaches sending data from a keyboard directly to a VRAM in an asynchronous format, wherein the data consists of messages to the subscriber terminal, there is no suggestion of outputting specific information in response to inputting an instruct-to-react

signal based on detecting a control signal. Certainly, there is no suggestion of any absence being detected in Boland '218.

Further, the data or messages of Boland '218 are not capable of <u>coordinating presentation of data with a separate predetermined presentation sequence.</u> Boland '218 simply states sending the messages or data in a asynchronous format. Boland '218 is silent as to <u>coordinating presentation of data with a separate predetermined presentation sequence based on information received from said processor based on said step of controlling</u>.

Applicants respectfully submit that the cited art does not anticipate claim 19 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 19 be withdrawn.

j.   Independent Claim 23

With respect to Applicants' claim 23, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of <u>information transmission comprising an instruct signal which is effective to coordinate presentation of said data with a separate predetermined presentation sequence</u>. Boland '218 simply teaches feeding a selected channel to the receiver at a subscriber terminal via a converter. There is no suggest of an instruct signal, especially an instruct signal <u>which is effective to coordinate presentation of said data with a separate predetermined presentation sequence.</u>

As stated, Boland '218 is silent as to any instruct signal that functions as Applicants claim. Therefore, Boland '218 is silent as to <u>detecting said instruct signal in said information transmission and passing said instruct signal to said processor</u>; <u>delaying, under processor control, passing said instruct signal to a controllable apparatus</u>; <u>passing said instruct signal to said controllable apparatus based on a timing signal</u>; and <u>controlling said controllable apparatus based on said instruct signal</u>.

Applicants respectfully submit that the cited art does not anticipate claim 23 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 23 be withdrawn.

k.   Independent Claim 25

With respect to Applicants' claim 25, Boland '218 fails to teach, *inter alia,* the Applicants' claim limitation of <u>receiving said one or more instruct signals which at the receiver station are effective to coordinate presentation of said data with a separate predetermined presentation sequence</u>. Boland '218 simply teaches feeding a selected channel to the receiver at a subscriber terminal via a converter. There is no suggest of any instruct signals, especially instruct signals <u>which at the receiver station are effective to coordinate presentation of said data with a separate predetermined presentation sequence.</u>

Further, Boland '218 is silent as to any instruct signals that function as Applicants' claim. Therefore, Boland '218 is silent as to <u>transferring said one or more instruct signals to a transmitter</u> and <u>transmitting an information transmission comprising said data and said one or more instruct signals</u>.

Applicants respectfully submit that the cited art does not anticipate claim 25 since the reference fails to disclose every element of the claimed invention, and Applicants respectfully request that the 35 U.S.C. § 102 (e) rejection of claim 25 be withdrawn.

l.   Dependent Claims 13-15, 17, 18, 20-22, 24, and 26-29

Claims 13-15, 17, 18, 20-22, 24, and 26-29 depend upon any one of independent claims 6-12, 16, 19, 23, and 25. As discussed *supra,* Boland '218 fails to disclose every element of independent claims 6-12, 16, 19, 23, and 25 and thus, *ipso facto*, Boland '218 fails to anticipate dependent claims 13-15, 17, 18, 20-22, 24, and 26-29, and therefore, this rejection should be withdrawn and the claims be permitted to issue.